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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,242	01/19/2001	George Wong	CS98-070B	8930

28112 7590 03/05/2003

GEORGE O. SAILE & ASSOCIATES  
28 DAVIS AVENUE  
POUGHKEEPSIE, NY 12603

EXAMINER

DIAZ, JOSE R

ART UNIT PAPER NUMBER

2815

DATE MAILED: 03/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/764,242

Applicant(s)

WONG, GEORGE

Examiner

José R Díaz

Art Unit

2815

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 February 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

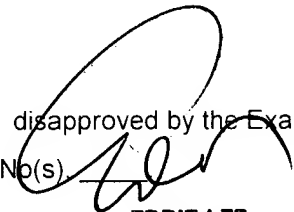
Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 18-22

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

  
**EDDIE LEE**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

Continuation of 5. does NOT place the application in condition for allowance because: the reference Saitou et al. anticipates the claimed invention. In summary, Applicant argues that Saitou et al. fails to teach a patterned fill layer, a planar silicon oxide layer, and a multilevel metal structure. However, the Examiner disagrees. With regards to the patterned fill layer, the reference Saitou et al. teaches a patterned conductive layer formed in the semiconductor region (2) and in the kerf areas (3) (see Figure 2). Please note, that the patterned conductive layer formed in the semiconductor region is identified by the reference sign (10), and the patterned conductive layer formed in the kerf areas is identified by the reference sign (6) (see Figure 1), both formed of the same metal material (please note that regions 6 and 10 are shown in Figure 2 having the same line pattern). In addition, the reference Saitou et al. teaches that the kerf area (3) are filled with the conductive layer (8) (see Figure 1) and the patterned conductive layer (6) (see Figure 2). Please note that Figure 1 does not show the patterned conductive layer (6) because the patterned conductive layer (6) is formed under the conductive layer (8) (see Figure 2). Thus, the patterned conductive layer (6) of Saitou et al. is a "patterned fill layer" since the patterned conductive layer (6) is formed in the kerf areas and is formed of the same metal material as the patterned conductive layer formed in the semiconductor region.

With regards to the planar silicon oxide layer, the Examiner disagrees with Applicant. Saitou et al. teaches a silicon oxide layer (7) formed on the patterned fill layer (6) (see Figure 2). After a carefully review of the drawings, the Examiner concluded that Figure 3, which is a cross sectional view of Figure 1, further provides the teaching of a planar layer, as required by Applicant. Figure 3 shows that, the silicon oxide layer (7) is planar over the surface of the patterned fill layer (6). Consequently, the reference Saitou et al. anticipates the claimed limitation since Saitou et al. teach a planar silicon oxide layer formed over the patterned fill layer.

Finally, with regards to the multilevel metal structure, the Examiner would like to point out that the reference Saitou et al. clearly anticipates such a limitation in column 6, lines 61-65, wherein Saitou et al. states that multilevel metal structure can also be formed as required. Therefore, Saitou et al. anticipates the claimed limitation of providing a multilevel metal structure.